

Article - Estates and Trusts

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§14.5–902.

(a) A trustee that commits a breach of trust is liable to the beneficiaries affected by the breach for the greater of:

(1) The amount required to restore the value of the trust property and trust distributions to what they would have been had the breach not occurred; or

(2) The profit the trustee made by reason of the breach.

(b) (1) Except as otherwise provided in this subsection, if more than one trustee is liable to the beneficiaries for a breach of trust, a trustee is entitled to contribution from the other trustee or trustees that are also liable.

(2) A trustee that received a benefit from a breach of trust under this subsection is not entitled to contribution from another trustee to the extent of the benefit received.

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